

PROCEEDINGS OF THE COMMON COUNCIL  
IN REGULAR SESSION  
TUESDAY, APRIL 12, 1977

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council

Chambers Tuesday evening April 12 A.D., 1977, in  
Regular Session. President John Nuckols in the chair,

and Charles W. Westerman Clerk, at the desk, present the following

members \_\_\_\_\_ viz:

BURNS ✓, HINGA ✓, HUNTER ✓,

MOSES ✓, NUCKOLS ✓, DONALD SCHMIDT ✓,

VIVIAN SCHMIDT ✓, STIER ✓, TALARICO ✓,

ABSENT \_\_\_\_\_

COUNCILMAN \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

The invocation was given by Reverend Ken Williams - Assistant

Trinity Episcopal Church

Received report from the City Controller for the month of \_\_\_\_\_,  
1977. Motion made and carried that report be made a matter of record and placed  
on file.

The minutes of the last Regular March 8 & 22, 1977,  
Special \_\_\_\_\_, 1977,

Session having been delivered to the Council, were, on motion, approved and  
published.



FORT WAYNE, INDIANA 46802  
office of the mayor

March 24, 1977

MADE A MATTER OF RECORD  
DATE 4-12-77 CHARLES W. WESTERMAN, CITY

To the Common Council  
Gentlemen and Mrs. Schmidt:

Today, March 24, 1977, I have approved the following ordinances passed by Common Council at its regular meeting on March 22, 1977.

(Bill No. A-77-03-07)  
APPROPRIATION ORDINANCE NO. A-06-77

AN ORDINANCE APPROPRIATING CERTAIN MONIES FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT TO VARIOUS ACCOUNTS

(Bill No. S-77-03-01)  
SPECIAL ORDINANCE NO. S-67-77

AN ORDINANCE approving a contract with Motorola Communications & Electronics, Inc. for materials for Fort Wayne Police Department

(Bill No. S-77-03-02)  
SPECIAL ORDINANCE NO. S-68-77

AN ORDINANCE approving a contract with Baltimore Paint and Chemical Corporation for materials for the Traffic Engineering Department

(Bill No. S-77-03-04)  
SPECIAL ORDINANCE NO. S-69-77

AN ORDINANCE approving a contract with Hall Signs, Inc. for materials for the Traffic Engineering Department

(Bill No. R-77-03-27)  
RESOLUTION NO. R-16-77

A RESOLUTION transferring certain funds in the 1977 Budget of the Street Engineering Department



(Bill No. R-77-03-28)  
RESOLUTION NO. R-17-77

A RESOLUTION authorizing payment to Jim Kelley Buick for repair of Board of Public Vehicle

(Bill No. R-77-03-29)  
RESOLUTION NO. R-18-77

A RESOLUTION authorizing payment to Allen County Motors for repair of Board of Public Safety Vehicles

(Bill No. Z-76-12-11)  
ZONING MAP ORDINANCE NO. Z-05-77

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. B-17

(Bill No. G-77-02-28)  
(as amended)  
GENERAL ORDINANCE NO. G-09-77

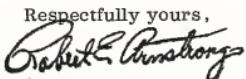
AN ORDINANCE amending certain Sections of Article II of Chapter 6 of the Code of the City of Fort Wayne, Indiana

(Bill No. S-77-03-19)  
SPECIAL ORDINANCE NO. S-70-77

AN ORDINANCE approving Change Order No. 6 in connection with Div. III - Sludge Lagoons

(Bill No. S-77-03-20)  
SPECIAL ORDINANCE NO. S-71-77

AN ORDINANCE approving a contract with Earth Construction & Engineering Inc., for Repair of Sanitary Sewer

Respectfully yours,  


Robert E. Armstrong  
Mayor



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

March 29, 1977

### COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the City  
of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission  
on the following described easement vacation:

The west 7 feet of the east 14 feet except for the south  
14 feet of the east easement at the rear of Lot # 8  
in Production Park. Located in the S.E. 1/4, Section 22,  
T 31 N, R 12 E, Washington Township, Allen County  
Indiana.

The proposed ordinance is designated as:

Bill No. G-77-02-30

Respectfully submitted,  
CITY PLAN COMMISSION

Certified and signed this  
29th day of March, 1977.

*Joseph N. Adair*  
Joseph N. Adair  
Secretary

MADE A MATTER OF RECORD  
DATE 4-12-77 CHARLES W. WESTERMAN, CITY CLERK





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

April 26, 1977

TO THE MEMBERS OF THE COMMON COUNCIL:

RE: Resolution R21-77

I am enclosing a copy of the Indiana Code setting forth the duties and responsibilities of the Executive Branch regarding the administration of City Government, for your information.

I am constantly evaluating the efficiency and effectiveness of the organization of City Government. It is my desire to have the various functions performed in the department in which they can be most effective, and I am sure all of you agree with this effort.

Sincerely,

  
Robert E. Armstrong  
Mayor

REA:ip  
Enclosure

DATE 4-26-77 MADE A MATTER OF RECORD  
CHARLES W. WESTERMAN, CITY CLERK



**SECTION.**

18-1-6-4. Departments — Creation, powers and duties.

18-1-6-5. Appointees — Qualifications — Fees.

18-1-6-6. Expenditures — Estimates — Reports — Budgets — Tax ordinance — Appropriations, increase or decrease.

18-1-6-7. Unappropriated appropriation balances — Reversion — Exceptions.

18-1-6-8. Contracts and agreements — Appropriations necessary — When void.

18-1-6-9. Obligations in excess of appropriation — Penalty.

18-1-6-10. Department of finance — City controller — Appointment — Seal.

18-1-6-11. Powers and duties of controller.

**18-1-6-1 [48-1501]. [Repealed.]**

Compiler's Note. This section (Acts 1905, ch. 129, § 79, p. 219, concerning executive authority of cities, was repealed by Acts 1971, P. L. 250, § 1 (IC 1971, 18-1-15-30). For present law see 18-1-15-27.

**18-1-6-2 [48-1502]. Mayor—Powers and duties.**—It shall be the duty of the mayor:

First. To cause the ordinances of the city and the laws of the state to be executed and enforced.

Second. To communicate to the council at least once a year a statement of the finances and general conditions of the city, and also such information in relation to city affairs as he may be called upon to furnish from time to time.

Third. To make such recommendations in writing, by message to the council, as he may deem expedient.

Fourth. To call special meetings of the council when the same shall be expedient.

Fifth. To perform such duties of an executive or administrative character as may be prescribed by law; and to exercise general supervision over subordinate officers and be responsible for the good order and efficient government of the city.

Sixth. To fill by appointment vacancies for unexpired terms in the offices of such city, except in case of vacancy in the office of mayor or councilman, as in this act [18-1-1—18-1-24-1] hereinbefore provided.

Seventh. To appoint the heads of departments, as hereinafter created, in cities of the first, second, third and fourth classes, and to appoint, in cities of the fifth class, a city marshal, chief of the fire force and street commissioner, all of which appointees shall hold office until their successors are appointed and qualified; and he shall make such other appointments as may be provided by law or by the ordinances of any city: Provided, That the mayor may, at any time, suspend or remove from office any or all of such heads of departments or other persons, whether appointed by him or by any of his predecessors, by

**SECTION.**

18-1-6-12. Deputy controller—Appointment — Administering of oaths.

18-1-6-13. Department of law — City attorney — Appointment and bond — Powers and duties — Assistants — Judgments against city, how enforced.

18-1-6-14. Department of public works — Members of board — Appointment and bond.

18-1-6-15. Powers and duties enumerated.

18-1-6-16. Streets, alleys, public grounds — Supervision.

18-1-6-17. Optional method of improvement — Abutting property owners assessed — Hearing — Revolving fund created — Use.

18-1-6-18. Contracts — Notice — Bids — Forfeiture.

18-1-6-19. Expenses — How paid.

notifying them stating in writing.

Eighth. To swear in, and all лиц, shall, upon reason complained, license has been tendance of witness procedure in for plicable, including attendance of witness to such proceedings found that the terms or conditions permitted to be of such city, the mayor shall review findings and determine of the fifth class cities of the first revoked licenses, city department instance shall be such revocation, mayor.

Ninth. To appoint, after receiving the advice of the council, and he shall, in writing, announce his resolution to become operative in three [3½] years, appropriating money or disapproving the ordinance, and the ordinance, and the ordinance, before provided.

Tenth. To call on the heads of departments, and rules and regulation of the affairs of the city, or ordinance; all of which shall be responsible for the promotion, and be best fitted.

Eleventh. To appoint persons to be officer or employee.



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

April 26, 1977

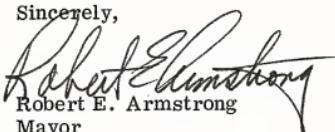
TO THE MEMBERS OF THE COMMON COUNCIL:

RE: Resolution R20-77

I am pleased that you are interested in the CETA program. I am enclosing a copy of the Consortium Agreement for your information. You will observe that Section 12c requires consent of the signators for hiring. Sections 12d, 12f, and 12k are the authority for dismissing and reorganizing the staff.

It is hoped that this information will be helpful to you.

Sincerely,



Robert E. Armstrong  
Mayor

REA:ip  
Enclosure

MADE A MATTER OF RECORD  
DATE 4-26-77 CHARLES W. WESTERMAN, CITY CLERK



1 REVISED CONSORTIUM AGREEMENT  
2 FOR FISCAL YEARS 1974, 1975, 1976, and 1977 and 1978  
3 PLANNING AND OPERATIONS

4  
5 City of Fort Wayne, City-County Building, Fort Wayne, Indiana  
6 Adams County, Court House, Decatur, Indiana  
7 Allen County, City-County Building, Fort Wayne, Indiana  
8 DeKalb County, Court House, Auburn, Indiana  
LaGrange County, Court House, LaGrange, Indiana  
Noble County, Court House, Albion, Indiana  
Whitley County, Court House, Columbia City, Indiana  
9

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10  
11 This agreement is entered into between the City of  
12 Fort Wayne by its Chief Elected Official and the Chief Elected  
13 and/or Chief Executive Officials of the following general  
14 local government units: Adams County, Balance of Allen County,  
15 DeKalb County, LaGrange County, Noble County, and Whitley  
16 County, and those other units of local government whose  
17 signatures appear as a portion of this agreement or any  
18 amendment thereto, for the express purpose of conducting  
19 Manpower Programs under the provision of the Comprehensive  
20 Employment and Training Act of 1973, Public Law 93-203, its  
21 amendments, and any regulations issued thereunder.

22 WHEREAS, it is to the mutual benefit of the communities  
23 of Northeastern Indiana labor market areas and their residents  
24 that such communities work together to combat the evils of  
25 unemployment and underemployment; to facilitate the exchange of  
26 information concerning job openings; to develop means of training  
27 individuals, especially economically disadvantaged, to perform  
28 in jobs best suited to their individual qualifications; and  
29 otherwise to provide a climate of employment opportunities which  
30 will permit the utilization of maximum individual potential  
31 while furthering the welfare of the communities involved; and  
32

33  
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1                   WHEREAS the Fort Wayne Area Consortium is presently  
2                   delivering Manpower services under Department of Labor Manpower  
3                   Administration grants, under Title I, Title II, Title III and  
4                   Title VI of the Comprehensive Employment and Training Act, and;

5                   WHEREAS, in the above grants the City of Fort Wayne,  
6                   as administrative arm of the Consortium, has demonstrated its  
7                   ability to plan programs, deliver services and monitor, evaluate,  
8                   and take corrective action relating to its operations; and

10                  WHEREAS, it is to the mutual benefit of the communi-  
11                  ties of Northeastern Indiana labor market area and their resi-  
12                  dents that such communities work together to combat the evils  
13                  of unemployment and underemployment, to facilitate the exchange  
14                  of information concerning job openings; to develop means of  
15                  training individuals, especially economically disadvantaged to  
16                  perform in jobs best suited to their individual qualifications;  
17                  and otherwise to provide a climate of employment opportunities  
18                  which will permit the utilization of maximum individual poten-  
19                  tial while furthering the welfare of the communities involved.

21                  It is likewise to the mutual benefit of the same  
22                  communities that there be one administrative unit and delivery  
23                  agent for programs funded under the Comprehensive Employment  
24                  , except for certain programs which may be funded under Title III of ~~the~~ <sup>and</sup> Act,  
25                  and Training Act of 1973 and its amendments to avoid dupli-  
26                  cation of management and service activities; to facilitate the  
27                  exchange of information and referrals with other Federal and  
28                  non-Federal programs in the area that directly or indirectly  
29                  provide manpower services; and to provide a Clearinghouse to  
30                  the agencies that sponsor manpower related programs so dupli-  
31                  cation of services will be minimized;

32                  NOW, THEREFORE, THE SIGNATORIES TO THIS DOCUMENT AGREE:  
33  
34                  1) That the Consortium will be the Prime Sponsor of  
35                  Manpower and related programs developed under the Comprehensive

1 Employment and Traning Act of 1973, and its amendments;

2 2) That the City of Fort Wayne, by its chief elected  
3 official, will represent the interest of the Consortium of the  
4 general local governments set forth above in the development of  
5 Manpower and other related programs developed under the Compre-  
6 hensive Employment and Training Act of 1973, and its amendments;

7 3) That the Geographical area represented by the  
8 Consortium of general local governments to be served is des-  
9 cribed as follows: The City of Fort Wayne, Adams County, Allen  
10 County (excluding the City of Fort Wayne), DeKalb County,  
11 LaGrange County, Noble County, and Whitley County.

12 4) That this Geographical Area contains a total pop-  
13 ulation of 429,200. The population in each unit of local govern-  
14 ment is as follows: The City of Fort Wayne - 181,600; Adams  
15 County - 27,600; Allen County (excluding the City of Fort Wayne)  
16 - 110,700; DeKalb County - 31,400; LaGrange County - 21,900;  
17 Noble County - 32,000; and Whitley County - 24,000.

18 5) That the Grant Agreements with the Department of  
19 Labor shall be signed by the Chief Elected Official(s) and/or  
20 Chief Executive Officials of each party to this agreement;

21 6) That the Mayor of the City of Fort Wayne has the  
22 legal authority to enter into this agreement under  
23 I.C. 18-1-1.5-2(e) and (o), Corporate and Procedural Powers.  
24 This Statute provides that the city has the power to:

25 " (e) Enter into contracts with persons, corpora-  
26 tions or other governmental entities;"

27 " (o) Enter into contracts and execute documents  
28 necessary to receive money, property, services or other advan-  
29 tages from the state government, federal government or from any  
30 other source;"

31 7) That the Commissioners of Adams, Allen, DeKalb,  
32  
33  
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1 LaGrange, Noble and Whitley Counties have the legal authority  
2 to enter into this agreement under I.C. 18-5-1.5-3, Interlocal  
3 Co-operation Act, which governs joint powers of the counties.

4 Part (b) states that:

5 "Any two (2) or more local governmental unit  
6 may enter into written contractual agreements  
7 with one another for joint or co-operative  
8 action to provide services and facilities  
9 pursuant to the provisions of this chapter."

10  
11 8) That the signatory unit is not prevented by State  
12 or Local law from participating in this Consortium Agreement for  
13 the purpose of carrying out the provisions of the Comprehensive  
14 Employment and Training Act of 1973, and its amendments;

15  
16 9) That each signator of the Consortium shall be  
17 responsible for the success of the program operation in its  
18 geographical area, but that the City of Fort Wayne as the admin-  
19 istrative Arm of the Consortium shall be accountable for the use  
20 of Comprehensive Employment and Training Act Funds and program  
21 administration;

22 That  
23 10) The powers, functions and responsibilities assigned  
24 by the parties to the Agreement to carry out the provisions of  
25 the Comprehensive Employment Training Act of 1973, and the reg-  
ulations are as follows:

26  
27 a) to name the Consortium and its committees;  
28 b) to assist in the organization and membership  
29 of the Advisory Council to the Consortium  
30 which the following structure shall serve as  
31 a model:

32 (1) The Advisory Council shall consist of an  
33 Area Committee of an equal number of  
34 members from each jurisdiction that is a

1 signatory to this agreement and the  
2 members must also serve on the sub-  
3 committee from their respective juris-  
4 diction;

5 (2) The sub-committee for each jurisdiction  
6 shall have at least eight (8) members and  
7 not more than twenty-one (21) members.  
8 In compliance with the CETA legislative  
9 requirements, to the extent that it is  
10 practical, members appointed to these  
11 sub-committees shall include women and  
12 minorities and be representative of the  
13 client community and community-based org-  
14 anizations, the Indiana State Employment  
15 Service, education and training agencies  
16 and institutions, business, labor, and,  
17 where appropriate, agriculture.

18 (3) The Area Advisory Council shall be re-  
19 flective of the CETA required represen-  
20 tation and the following selection method  
21 will prevail: At least two of the three  
22 members from each member jurisdiction will  
23 be appointed by the Chief Executive  
24 Official(s) from their respective juris-  
25 diction. These two appointments must not  
26 be of the same segment of the community.  
27 The third member from each member juris-  
28 diction will be nominated by the Consor-  
29 tium Executive Director if necessary to  
30 bring the council into compliance with  
31 CETA Legislation. The third member from  
32  
33  
34  
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1 each member jurisdiction will be formally  
2 appointed by the Chief Executive Official(s)  
3 from their respective jurisdiction.

4 (4) Members of each sub-committee and/or  
5 Advisory Council will serve for a calendar  
6 year and/or until new or re-appointed  
7 committee members are selected. One more  
8 than half of total membership of each com-  
9 mittee must be automatically re-appointed  
10 to insure the respective committee will  
11 have continuity and experience.

12 (5) The Advisory Council shall appoint the  
13 Chairman and a Vice-Chairman of the Area  
14 Committee. The Chief Executive Official(s)  
15 of each member jurisdiction shall appoint  
16 the Chairman of his respective sub-  
17 committee.

18 (6) The Area Committee shall accept the recom-  
19 mendations and assessments of the sub-  
20 committees from each jurisdiction con-  
21 cerning their respective needs and pro-  
22 gram priorities. The Area Committee shall  
23 then prepare, with the assistance of the  
24 planning staff, recommendations regarding  
25 program plans and basic goals, policies,  
26 and procedures. They shall monitor and  
27 provide for objective evaluations of  
28 employment and training programs conducted  
29 in the Consortium area and provide for con-  
30 tinuing analysis of needs for employment  
31 training and related services in the area.

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1 Any final Decision with respect to such  
2 recommendations shall be made by the  
3 Chief Executive Official(s) for his re-  
4 spective jurisdiction.  
5

6 11) IT IS FURTHER AGREED that the procedures set forth  
7 in this agreement and any amendments thereto for participation  
8 of Chief Elected and/or Executive Officials will be followed in  
9 the organization and development of Comprehensive Employment  
10 and Training Act Programs and that those parties to this agree-  
11 ment will be bound by and adhere to the procedures set forth  
12 in this agreement.

13 12) The City of Fort Wayne will be the Administrative  
14 Arm of Consortium. The powers, functions, and responsibilities  
15 delegated to it by the Consortium members are limited to the  
16 following:  
17

- 18 a) Enter into contracts and sub-grants and other  
19 necessary agreements;
- 20 b) Receive and expend funds;
- 21 c) Hire an Executive Director and one or more  
22 Associate Directors with the consent of  
23 signatories to the Consortium Agreement;
- 24 d) Employ personnel that will include a planning  
25 staff and program operations staff, where  
26 necessary;
- 27 e) Hold annual meeting with signatories to Con-  
28 sortium Agreement to review staff performance;
- 29 f) Organize and train staff;
- 30 g) Develop procedures for program planning;
- 31 h) Conduct the operation and assessment and  
32 fiscal management of the program;
- 33 i) Evaluate program performance and determine  
34

1 possible need to re-allocate resources;

2 j) Modify grant agreements with the Department

3 of Labor;

4 k) Any other powers necessary to fulfill the

5 obligations embodied in this agreement;

6 l) To enter into a collective bargaining agree-

7 ment affecting CETA employees, if otherwise

8 permitted by law, provided that any such

9 agreement shall be with the consent of the

10 signatories to the Consortium Agreement.

11 <sup>That</sup>

12 13) The mayor of the City of Fort Wayne, as Chief

13 Administrative Officer of the Consortium, shall have the author-

14 ity to sign modifications to grant agreements and/or minor

15 modifications to Comprehensive Manpower Plans, providing the

16 following conditions apply: a) the cumulative amount of funds

17 available to each Consortium member is not decreased; b) the

18 cumulative number of clients to be served in each Consortium

19 member jurisdiction is not decreased; c) the basic intent of

20 grant agreements and/or Comprehensive Manpower Plans is not

21 changed; and d) the modifications made to grant agreements are

22 within the Federal guidelines which denote a minor modification

23 to a Comprehensive Manpower Plan.

24 NEW 14) >

25 15) IT IS AGREED by all signatories that the Consor-

26 tium established by this agreement shall have a duration equal

27 to the period of the grant agreements entered into with the

28 Department of Labor during the Fiscal Years 1974, 1975, 1976,

29 and 1977, and 1978.

30 16) AMENDMENT OF AGREEMENT: This agreement may be

31 amended at any time upon the written agreement of all the parties

32 to the Consortium Agreement with the exception of points to this

33 agreement required by the Comprehensive Employment and Training

34

35

14) That the Consortium may enter into subgrants with other established organizations for the purpose of delivering employment and training programs which may be funded under Title III of the Comprehensive Employment and Training Act, and its amendments, in the ~~case~~ in order to facilitate ~~program~~ administration and operation of temporary categorical programs ~~which may~~ funded under said Title.

1       Act of 1973, and the regulations issued thereunder.

2           13) SEVERABILITY: Should any part, term or provision  
3       of this Agreement be decided by a court with proper jurisdiction  
4       to be illegal, void, or in conflict with any law of the State of  
5       Indiana or the United States of America, or otherwise be rendered  
6       unenforceable or ineffectual, the parties may by subsequent  
7       agreement provide that the remaining provision shall continue  
8       in effect.

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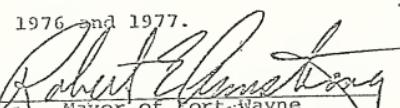
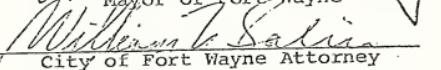
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1 WITNESS THE EXECUTION HEREOF the Date set Opposite our  
2 Respective Names of this Revised Agreement to continue the  
3 Consortium under the Comprehensive Employment and Training Act  
4 of 1973, Public law 93-203, and its amendments for Fiscal Years  
5 1975, 1976 and 1977.

6   
7 Mayor of Fort Wayne  
8   
9 City of Fort Wayne Attorney

5-11-76

Date

5/11/76

Date

5/10/76

Date

5-10-76

Date

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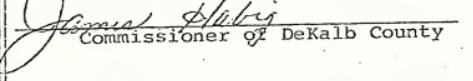
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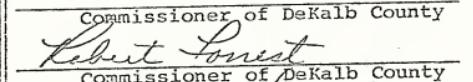
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May 10, 1976

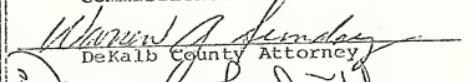
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14   
15 Commissioner of DeKalb County

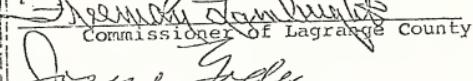
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16   
17 Commissioner of DeKalb County

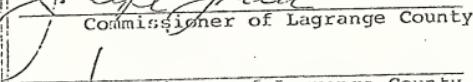
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18   
19 DeKalb County Attorney

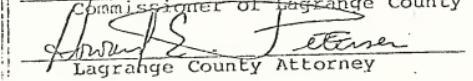
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20   
21 Commissioner of LaGrange County

Date

22   
23 Commissioner of LaGrange County

Date

24   
25 LaGrange County Attorney

Date

1 Donald T. H. Commissioner of Noble County

2 John L. Johnson Commissioner of Noble County

3 W. May J. S. Young and  
4 Commissioner of Noble County

5 John H. Wilson  
6 Noble County Attorney

7 Charles B. Steele  
8 Commissioner of Whitley County

9 Paul L. Luttrell  
10 Commissioner of Whitley County

11 Richard W. Gates  
12 Whitley County Attorney

13 5-10-76 :  
14 Date

15 5-10-76  
16 Date

17 5-10-76  
18 Date

19 5-10-76  
20 Date

21 5-11-76  
22 Date

23 Date

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## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

March 29, 1977

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one easement vacation acted upon by the City Plan Commission at their regular meeting held March 28, 1977. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved:

1. Bill No. G-77-02-30
2. Intended Use: When vacated, this portion of the easement will be utilized by the property owner for the construction of a building.
3. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

- a. The portion of the easement to be vacated serves no useful purpose.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted

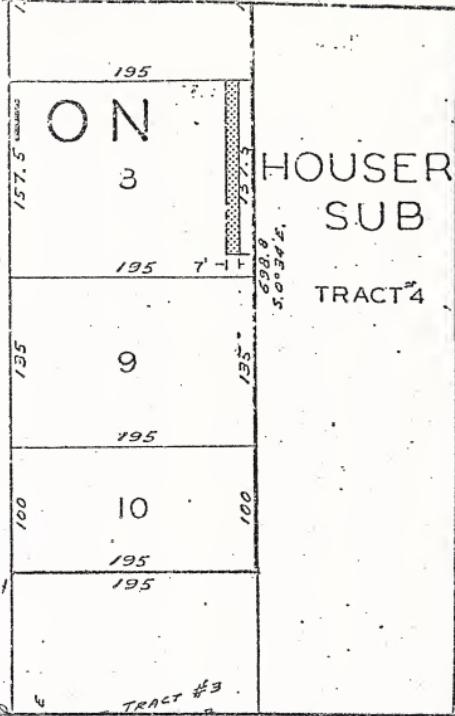
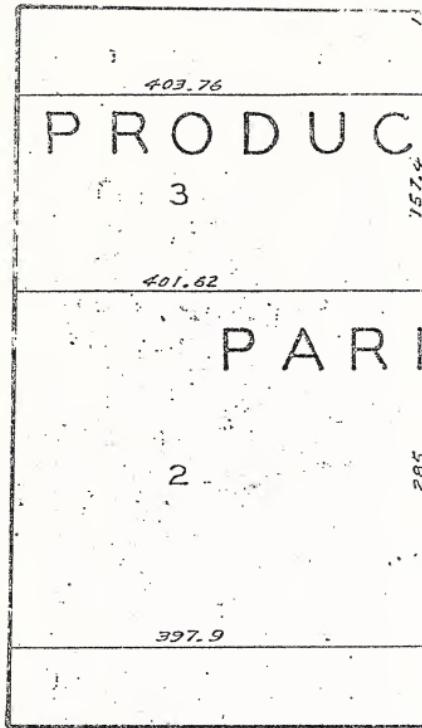
COMMUNITY DEVELOPMENT AND PLANNING  
Division of Long Range Planning  
and Zoning

*Gary Baeten (pr)*

Gary F. Baeten  
Land Use Administrator

GFB:pr  
ATT.





To be vacated (easement 14' to 7')

2-9-77  
BB-15  
LS

PETITION TO VACATE A PORTION OF A DEDICATED PUBLIC UTILITY EASEMENT

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

THE BOARD OF PUBLIC WORKS  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), does (do) hereby respectfully petition the Fort Wayne City Plan Commission and the Board of Public Works to vacate the following public dedicated utility easement, within the City of Fort Wayne, Indiana, and hereby described as follows:

The west 7 feet of the east 14 feet except for the south 14 feet of the east easement at the rear of Lot # 8 in Production Park. Located in the S.E. 1/4, Sec. 22, T 31 N, R 12 E, Washington Township, Allen County, Indiana.

In support thereof, your petitioner(s) would represent as follows:

1. That they are the owners of the real estate abutting both sides of the easement.
2. That said easement is not in use.
3. That no other firm, person or corporation is interested in or affected by the requested vacation.
4. That the vacating of said portion of easement is needed to meet rear yard setback requirements for the construction of a building.
5. That the maintenance of said easement is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitioners file this petition pursuant to the authority granted in Indiana Code Section 18-7-5-46, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described dedicated public utility easement be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 9th DAY OF February 1977.

CAMMERON PUBLISHING, INC.

By: Richard L. Cammeron  
Richard L. Cammeron

By: Robert A. Foster  
Robert A. Foster

2/28/73

R E S O L U T I O N

WHEREAS, CAMMERON PUBLISHING, INC., by Richard L. Cammeron and Robert A. Foster, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public dedicated utility easement, in Allen County, Indiana, to-wit:

The west 7 feet of the east 14 feet except for the south 14 feet of the east easement at the rear of Lot # 8 in Production Park. Located in the S.E. 1/4, Section 22, T 31 N, R 12 E, Washington Township, Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46, and,

WHEREAS, notice of such public hearing will be given by due and proper publications thereof;

WHEREAS, said vacation of dedicated public utility easement has been routed thru the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Water Engineering, Electrical Engineering and the Park Board, and thru the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public dedicated utility easement, hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

STATE OF INDIANA      )  
                            )  
COUNTY OF ALLEN      ) SS:

I, HENRY P. WEHRENBERG, Chairman of the Board  
of Public Works, do hereby certify that attached hereto is a full,  
true and correct copy of a resolution adopted by the Fort Wayne Board  
of Public Works following a Board of Works Meeting held on 28<sup>th</sup>  
February, 1977, and as the same appears of record  
in the official records of said Board of Public Works.

DATED THIS 28 DAY OF February, 1977

FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg  
Chairman

Edward W. La Mar  
Member

May J. Scott  
Member

R E S O L U T I O N

WHEREAS, CAMMERON PUBLISHING, INC., by Richard L. Cammeron and Robert A. Foster, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public dedicated utility easement, in Allen County, Indiana, to-wit:

The west 7 feet of the east 14 feet except for the south 14 feet of the east easement at the rear of Lot # 8 in Production Park. Located in the S.E. 1/4, Section 22, T 31 N, R 12 E, Washington Township, Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46;

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on Monday, March 21, 1977, at 7:30 o'clock p.m., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public easement.

WHEREAS, said vacation of public easement has been routed thru the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Water Engineering, Electrical Engineering, Park Board and thru the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by Fort Wayne City Plan Commission that the vacation of said public easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of easements in Allen County, Indiana.

STATE OF INDIANA )  
                    ) SS:  
COUNTY OF ALLEN )

I, DARRELL L. BLANTON, Vice President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held March 21, 1977, and as the same appears of record in the official records of said Plan Commission.

Dated this 29th day of March, 1977.

FORT WAYNE CITY PLAN COMMISSION

Darrell L. Blanton

Darrell L. Blanton  
Vice President

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 12/77/E

For the Purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,

Albert M. Hoyer

Albert N. Hepler, Chairman  
Board of Public Safety

MADE A MATTER OF RECORD  
CHARLES W. WESTERMAN, CITY CLERK

REGULATORY RESOLUTION NO. 12/77/E

(Adopted March 25, 19 77)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No.G -55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to NO PARKING (EMERGENCY)

; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated March 21, 19 77, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14, 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective March 25, 19 77, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

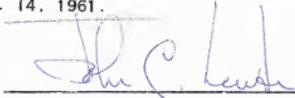
NO PARKING (EMERGENCY)

Foster Park Drive -- both sides -- from 2,000 feet east of Hartman Rd. to Fairfield Avenue

RETURN CERTIFICATE

(Regulatory Resolution No. 12/77 /E)

I hereby certify that I did this 25 day of  
March, 19 77 deliver to each, the City Traffic  
Engineer, the Chief of Police, the City Attorney, The City  
Clerk and the President of the Common Council of the City  
of Fort Wayne, Indiana, respectively, a copy of the within  
Regulatory Resolution No. 12/77 /E of the Board of Public  
Safety of the City of Fort Wayne, duly certified by me as  
Secretary of said Board, in accordance with the provisions  
of Section 20 (a) of Chapter 31, Municipal Code of the City  
of Fort Wayne, Indiana 1946, as amended by General Ordin-  
nance G-55, adopted FEB. 14, 1961.



EXECUTIVE SECRETARY

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 13/77/E

For the Purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,



Albert N. Hepler, Chairman  
Board of Public Safety

MADE A MATTER OF RECORD  
DATE CHARLES W. WESTERMAN, CITY CLERK

REGULATORY RESOLUTION NO.13/77/E

(Adopted March 25, 19 77)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No.G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to RENEW AND EXTEND REGULATORY RESOLUTION 4/77/E

NO PARKING (EMERGENCY) DELETE: (TWO HOUR PARKING)  
(EMERGENCY) ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated March 22, 19 77, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14, 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective March 25, 19 77, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING 8:00 AM - 9:00 AM AND 3:00 - 4:00 PM WEEKDAYS ONLY (EMERGENCY)

Bowser Aven. -- west side -- from 60 ft. north of Emily St. to Hurd St.

DELETE:

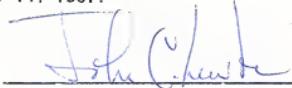
TWO HOUR PARKING 8:00 AM - 6:00 PM (EMERGENCY)

Bowser Aven. -- west side -- from Emily St. to Hurd St.

RETURN CERTIFICATE

(Regulatory Resolution No. 13/77 /E)

I hereby certify that I did this 25 day of  
March, 19 77 deliver to each, the City Traffic  
Engineer, the Chief of Police, the City Attorney, The City  
Clerk and the President of the Common Council of the City  
of Fort Wayne, Indiana, respectively, a copy of the within  
Regulatory Resolution No. 13/77 /E of the Board of Public  
Safety of the City of Fort Wayne, duly certified by me as  
Secretary of said Board, in accordance with the provisions  
of Section 20 (a) of Chapter 31, Municipal Code of the City  
of Fort Wayne, Indiana 1946, as amended by General Ordin-  
nance G-55, adopted FEB. 14, 1961.



EXECUTIVE SECRETARY

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 14/77B & 14/77D

For the Purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the mintues of the next Common Council Meeting.

Respectfully submitted,



Albert N. Hepler, Chairman  
Board of Public Safety

MADE A MATTER OF RECORD

DATE \_\_\_\_\_ CHARLES W. WESTERMAN, CITY CLERK

REGULATORY RESOLUTION NO. 1477 /D

(Adopted March 30, 19 77)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter as so amended delegates to this Board authority to NO PARKING  
(DELEGATED)

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; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 28, 19 77, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section 121 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby

ordered, effective March 30, 19 77, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING (DELEGATED)

Poinsette St. -- east side -- from State Blvd. to 150 ft.

south thereof

RETURN CERTIFICATE

(Regulatory Resolution No. 14/77 /D)

I hereby certify that I did this 30 day of  
March, 1977 deliver to each, the City Traffic  
Engineer, the Chief of Police, the City Attorney, The City  
Clerk and the President of the Common Council of the City  
of Fort Wayne, Indiana, respectively, a copy of the within  
Regulatory Resolution No. 14/77 /D of the Board of Public  
Safety of the City of Fort Wayne, duly certified by me as  
Secretary of said Board, in accordance with the provisions  
of Section 20 (a) of Chapter 31, Municipal Code of the City  
of Fort Wayne, Indiana 1946, as amended by General Ordin-  
ance G-55, adopted FEB. 14, 1961.



EXECUTIVE SECRETARY

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 15/77/D & 16/77/E  
18/77/E & 19/77/P

For the Purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,

Albert N. Hepler, Chairman  
Board of Public Safety

*William L. Kerr  
Member of Board of Safety*

DATE *MADE A MATTER OF RECORD*  
*CHARLES W. WESTERMAN, CITY CLERK*

REGULATORY RESOLUTION NO. 15/77/D

(Adopted April 6, 1977)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 14 of said chapter as so amended delegates to this Board authority to PREFERENTIAL INTERSECTION (DELEGATED)

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 5, 1977, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD  
OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section 14 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby

ordered, effective April 6, 1977, and when signs are erected pursuant hereto giving notice thereof, that **THE FOLLOWING BE ESTABLISHED:**

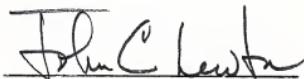
PREFERENTIAL INTERSECTION (DELEGATED)

Monroe St. -- preferential -- at Baxter St.

RETURN CERTIFICATE

(Regulatory Resolution No. 15/77 /D)

I hereby certify that I did this 6th day of  
April, 19 77 deliver to each, the City Traffic  
Engineer, the Chief of Police, the City Attorney, The City  
Clerk and the President of the Common Council of the City  
of Fort Wayne, Indiana, respectively, a copy of the within  
Regulatory Resolution No. 15/77 /D of the Board of Public  
Safety of the City of Fort Wayne, duly certified by me as  
Secretary of said Board, in accordance with the provisions  
of Section 20 (a) of Chapter 31, Municipal Code of the City  
of Fort Wayne, Indiana 1946, as amended by General Ordin-  
nance G-55. adopted FEB. 14, 1961.



EXECUTIVE SECRETARY

REGULATORY RESOLUTION NO. 16/77/E

(Adopted April 6, 1977)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No.G -55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to STOP INTERSECTION (EMERGENCY) , NO PARKING  
(EMERGENCY)

; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated April 5, 1977, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G -55. adopted FEB. 14, 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective April 6, 1977, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Strawberry Dr. -- Stop -- for Springbrook Rd.

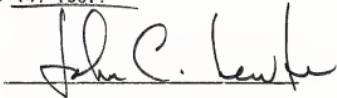
NO PARKING (EMERGENCY)

Calhoun St. -- both sides -- from Belmont St. to Tillman Rd.

RETURN CERTIFICATE

(Regulatory Resolution No. 16/77 /E)

I hereby certify that I did this 6th day of  
April, 19 77 deliver to each, the City Traffic  
Engineer, the Chief of Police, the City Attorney, The City  
Clerk and the President of the Common Council of the City  
of Fort Wayne, Indiana, respectively, a copy of the within  
Regulatory Resolution No. 16/77 /E of the Board of Public  
Safety of the City of Fort Wayne, duly certified by me as  
Secretary of said Board, in accordance with the provisions  
of Section 20 (a) of Chapter 31, Municipal Code of the City  
of Fort Wayne, Indiana 1946, as amended by General Ordin-  
nance G-55, adopted FEB. 14, 1961.



EXECUTIVE SECRETARY

/7  
REGULATORY RESOLUTION NO. 13/77/E

(Adopted March 30, 19 72)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No.G -55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to NO PARKING(EMERGENCY)

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; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated March 28, 19 77, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14. 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective March 30, 19 77, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

NO PARKING (EMERGENCY)

Sherman Blvd. -- both sides -- from Mildred Ave. to the entrance of Franke Park (Park Drive)

NO PARKING (EMERGENCY)

Industrial Rd. -- both sides -- from Coliseum Blvd. to Ley Rd.

RETURN CERTIFICATE  
(Regulatory Resolution No. 13/77 /E)

I hereby certify that I did this 30 day of  
March, 19 77 deliver to each, the City Traffic  
Engineer, the Chief of Police, the City Attorney, The City  
Clerk and the President of the Common Council of the City  
of Fort Wayne, Indiana, respectively, a copy of the within  
Regulatory Resolution No. 13/77 /E of the Board of Public  
Safety of the City of Fort Wayne, duly certified by me as  
Secretary of said Board, in accordance with the provisions  
of Section 20 (a) of Chapter 31, Municipal Code of the City  
of Fort Wayne, Indiana 1946, as amended by General Ordin-  
nance G-55, adopted FEB. 14, 1961.

John C. Lewton

EXECUTIVE SECRETARY

REGULATORY RESOLUTION NO. 18/77/E

(Adopted April 6, 1977)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No.G -55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to STOP INTERSECTION ( EMERGENCY )

; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated March 17, 1977, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14, 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective April 6, 1977, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

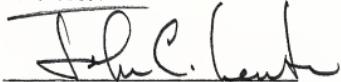
STOP INTERSECTION (EMERGENCY)

Michigan Ave. -- stop -- for Thompson Ave.

RETURN CERTIFICATE

(Regulatory Resolution No. 18/77 /E)

I hereby certify that I did this 6th day of  
April, 19 77 deliver to each, the City Traffic  
Engineer, the Chief of Police, the City Attorney, The City  
Clerk and the President of the Common Council of the City  
of Fort Wayne, Indiana, respectively, a copy of the within  
Regulatory Resolution No. 18/77/E of the Board of Public  
Safety of the City of Fort Wayne, duly certified by me as  
Secretary of said Board, in accordance with the provisions  
of Section 20 (a) of Chapter 31, Municipal Code of the City  
of Fort Wayne, Indiana 1946, as amended by General Ordin-  
nance G-55, adopted FEB. 14, 1961.



EXECUTIVE SECRETARY

REGULATORY RESOLUTION NO. 19/77 /D

(Adopted April 6, 1977)

WHEREAS, Section 20 (a) (2), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 14 of said chapter as so amended delegates to this Board authority to DELETE:

PREFERENTIAL INTERSECTION (DELEGATED)

; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated March 17, 1977, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority delegated to this

Board by Section 14 of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55 adopted FEB. 14. 1961. it is hereby

ordered, effective April 6, 1977 and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

DELETE:

PREFERENTIAL INTERSECTION (DELEGATED)

Thompson Ave. -- preferential -- at Michigan Ave.

RETURN CERTIFICATE

(Regulatory Resolution No. 19/77 /D)

I hereby certify that I did this 6th day of  
April, 1977 deliver to each, the City Traffic  
Engineer, the Chief of Police, the City Attorney, The City  
Clerk and the President of the Common Council of the City  
of Fort Wayne, Indiana, respectively, a copy of the within  
Regulatory Resolution No. 19/77/ D of the Board of Public  
Safety of the City of Fort Wayne, duly certified by me as  
Secretary of said Board, in accordance with the provisions  
of Section 20 (a) of Chapter 31, Municipal Code of the City  
of Fort Wayne, Indiana 1946, as amended by General Ordin-  
nance G-55, adopted FEB. 14, 1961.



EXECUTIVE SECRETARY



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

April 1, 1977

Mr. Arthur Tibbs  
6th Floor, City/County Building  
Fort Wayne, IN 46802

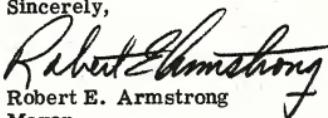
Dear Art:

We have had serious administrative discrepancies in our CETA program, which we have been working diligently to resolve. We have made some progress, but in order to resolve the problem totally, the Administrative staff must be reorganized.

This reorganization requires your replacement as Associate Director/Administration and your services are therefore terminated effective today. Attached are your final checks, including two weeks' termination pay.

Your past services to the Consortium have been appreciated.

Sincerely,



Robert E. Armstrong  
Mayor

REA:ip  
Attachment

Copies to Consortium Commissioners

EXHIBIT "1"

AN EQUAL OPPORTUNITY EMPLOYER





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

April 1, 1977

Mr. Vance Amstutz  
Room 200 City-County Bldg.  
Fort Wayne, Indiana 46802

Dear Vance:

As I discussed with you in our recent meetings, I have found it necessary to reorganize the CETA staff in order to more effectively administer this very important program.

Under Section 12k of the Consortium Agreement, I have named Robert Speaks as Associate Director of Administration and Jack Wilson as Associate Director of Operations. Arthur Tibbs and Joe Daniel have been terminated.

Under Section 12c, it is necessary that we hire a new Executive Director and receive your approval to name Messrs. Speaks and Wilson to the Associate Director positions. I would like to also recommend at this time that Dennis Blue, CETA Funds Administrator, be upgraded to the level of Associate Director of Fiscal Affairs, with labor grade and salary equivalent to that of the other Associate Director positions.

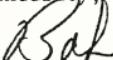
I am attaching resumes of Messrs. Speaks, Wilson and Blue. I am sure you will agree that each is well qualified and will make the reorganization successful.

At the present time, an outstanding administrator is giving serious consideration to the acceptance of the Executive Director position. He has been unable to give me a firm response due to his present business commitments, but I am hopeful that within the next week to ten days I will receive an affirmative reply from him and will immediately get in touch with you.

Any additional changes in the CETA organization will be made from recommendations of the new CETA staff to you as a Consortium member and to me as Director of the CETA Consortium.

I look forward to hearing from you.

Sincerely,

  
Robert E. Armstrong  
Mayor

REA:ip

EXHIBIT "2"

AN EQUAL OPPORTUNITY EMPLOYER



DATE

2-7-77

EMPLOYEE'S NAME

Arthur Tilb

DEPARTMENT

Associate Director - Operations

Select the symbol which best describes the employee's performance in each category, and check the appropriate box on the right side of the form. Cross out parts of the definition that do not apply. Add to the definitions to make them more meaningful.

EXCEEDS JOB REQUIREMENTS  
MEETS JOB REQUIREMENT  
NEEDS IMPROVEMENT

E  
M  
N

## 1. Quality of Work:

Accuracy, neatness and thoroughness of work. Economy of time and materials. Care of equipment used.

E  M  N

## 2. Quantity of Work:

Productive Output, speed, and consistency of output.

E  M  N

## 3. Dependability:

Follows instructions, exercises good judgment, punctuality, attendance and safety habits.

E  M  N

## 4. Cooperation:

Extent to which employee cooperates with other employees and departments.

E  M  N

## 5. Versatility:

Resourceful in handling assignment and solving problems. Versatile in application of knowledge and skills.

E  M  N

## 6. Planning:

Ability to plan for immediate and long range assignments. Sets realistic goals and time tables.

E  M  N

## 7. Initiative:

Diligent work habits. Strong sense of responsibility.

E  M  N

## 8. Leadership:

Inspires confidence, productivity, and teamwork. Fair and consistent use of discipline.

E  M  N

## 9. Write-In Factors:

Use any factor not listed that may apply.

\_\_\_\_\_

Strong Points ( reviewed with employee ) Can move quickly to solve problems  
Strong administrator

Weak Points ( reviewed with employee ) Shy too loud and braggadocious  
(traits "turn people off") - loudly argues or disciplines in  
front of other people.

Job Description ( reviewed with employee )

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_

Educational Requirements For Job

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RATED BY :

Arthur L. Ziff  
Signature

Arthur L. Ziff  
Signature of employee

( Acknowledgment that evaluation  
has been reviewed )

TITLE

Executive Director

DATE

2-7-77

Reviewed By:

DATE

\_\_\_\_\_

STATE OF INDIANA )  
                         ) SS:  
COUNTY OF ALLEN )

MADE A MATTER OF RECORD  
DATE CHARLES W. WESTERMAN, CITY CLERK

IN THE MATTER OF THE )  
                          )  
DISCHARGE OF         )  
                          )  
JOSEPH H. DANIEL    )

GRIEVANCE

TO: Robert E. Armstrong, as Mayor of the  
City of Fort Wayne and Chief Administrative  
Officer of the Fort Wayne Area Consortium

1. The undersigned was duly employed as Associate Director of Administration of the Fort Wayne Area Consortium under provisions of the Comprehensive Employment and Training Act, which position he has held since January 12, 1976, and prior to that date had been employed as Executive Director of such consortium since September 1, 1974.

2. The undersigned, all during the priod of such employment, properly and faithfully fulfilled and carried out the duties imposed upon him by such office.

3. On April 1, 1977, Robert E. Armstrong, as Mayor of the City of Fort Wayne and Chief Administrative Officer of the Fort Wayne Area Consortium, wrongfully and illegally attempted to terminate the employment of the undersigned as Associate Director of Administration of such consortium.

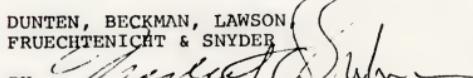
4. Such attempted termination was wrongful and illegal in that:

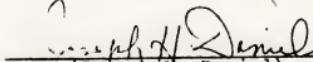
- a. The undersigned was not given a hearing prior to such attempted termination;
- b. The attempted termination of the undersigned was contrary to the provisions of the consortium's agreement and the staff personnel policy of the Fort Wayne consortium;
- c. The attempted termination violates the laws and regulations of the United States of America, the United States Department of Labor, the laws of the State of Indiana, and the Ordinances of the City of Fort Wayne.

5. The reasons for such attempted termination as announced by Robert E. Armstrong, as Mayor of the City of Fort Wayne and Chief Administrative Officer of the Fort Wayne Area Consortium, have no basis in fact.

WHEREFORE, the undersigned requests that the attempted termination of the employment as Associate Director of Administration for the Fort Wayne Area Consortium be declared void, that he be reinstated to such office and that his salary and all other benefits be paid and restored without interruption.

DUNTEN, BECKMAN, LAWSON  
FRUECHTENICHT & SNYDER

BY:   
2410 Fort Wayne Bank Building  
Fort Wayne, Indiana 46802  
423-1602

  
(Joseph H. Daniel)  
4401 Tacoma Avenue  
Fort Wayne, Indiana 46807

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Grievance was served on April 2, 1977, on Robert E. Armstrong, as Mayor of the City of Fort Wayne and Chief Administrative Officer of the Fort Wayne Area Consortium, and William N. Salin, as City Attorney for the City of Fort Wayne, Indiana.

E. Miller D. Salin

VER WIEBE, SNOW & MILLER

ATTORNEYS AT LAW

Richard C. Ver Wiebe

Norman S. Snow

David H. Miller

1310 Anthony Wayne Bank Building

FORT WAYNE, INDIANA 46802

April 11, 1977

Telephone 428-2858

Area Code 219

The Honorable Robert E. Armstrong  
Mayor, City of Fort Wayne  
City-County Building  
Fort Wayne, Indiana 46802

Re: Termination of Arthur L. Tibbs

Dear Mayor Armstrong:

Since it is unclear as to who the current Director of the CETA program is under the Fort Wayne Area Consortium, I have taken the liberty of notifying Robert Speaks who is the former Director of the program and in addition, notifying you since the City of Fort Wayne is the administrative branch of the CETA program. In addition, I have sent copies to the Consortium members.

I am hopeful that this matter can be settled amicably and without litigation.

Very truly yours,

VER WIEBE, SNOW, MILLER & GRAY

  
David H. Miller, Esq.

DHM:jm

VER WIEBE, SNOW & MILLER

ATTORNEYS AT LAW

Richard C. Ver Wiebe  
Norman S. Snow  
David H. Miller

1810 Anthony Wayne Bank Building  
FORT WAYNE, INDIANA 46802  
April 11, 1977

Telephone 428-8255  
Area Code 219

Gentlemen:

Re: Arthur L. Tibbs' termination of employment

Since an employment dispute has arisen between Arthur L. Tibbs, Associate Director of Operations of the Fort Wayne Area Consortium, the grantee of federal funds under the Concentrated Employment and Training Act (CETA), and a member of the Fort Wayne Area Consortium, specifically the City of Fort Wayne, through its Mayor Robert Armstrong which resulted in Mr. Tibbs' termination of employment, this grievance and complaint is being filed pursuant to §2, Grievance and Arbitration, of the Fort Wayne Area Consortium Staff Personnel Policy.

On or about the 1st of April, 1977, Arthur L. Tibbs was sent notice of his termination of employment by Mayor Robert E. Armstrong, a copy of which notice is attached and marked Exhibit "1". As you will note, there are no grounds given for this termination other than reorganization.

In a letter dated April 1, 1977, to Vance Amstutz, Allen County Commissioner, Mayor Armstrong purports to act under §12(k) of the Consortium Agreement, and from the last paragraph it appears as if he is also acting as the Director of the CETA Consortium.

The specific complaints of Mr. Tibbs are as follows:

1. The actions of the Mayor of Fort Wayne, Indiana, as a Consortium member are ultra vires.

(A) Section 12 of the Consortium Agreement specifically sets forth the powers, functions and responsibilities delegated to the City of Fort Wayne as the administrative arm of the Consortium. Nowhere in the eleven powers specifically granted to the City of Fort Wayne is the power to fire the Associate Director.

(B) Item (c) gives the City of Fort Wayne the power "to hire an Executive Director and one or more Associate Directors, with the consent of signatories to the Consortium Agreement." If we are to assume that the Mayor acted pursuant to this provision (c) of the Consortium Agreement and the power to hire, by implication implies a power to fire, then, the firing must also be done with the consent of the signatories to the Consortium Agreement. The termination of Mr. Tibbs was not done with the consent of the other consortium signatories and under this provision of the Consortium Agreement, the Mayor of Fort Wayne is without the necessary power to terminate Mr. Tibbs.

2. The actions of Mayor Armstrong in the termination of Mr. Tibbs denied Arthur L. Tibbs due process of law.

(a) Item K of the Consortium Agreement gives the City of Fort Wayne. . ."any other powers necessary to fulfill the obligations embodied in this agreement." If the Mayor acted pursuant to this section then he failed to notify Mr. Tibbs or provide a hearing for Mr. Tibbs with the remainder of the Consortium signatories setting forth the grounds for Mr. Tibbs termination and showing that the termination was "necessary to fulfill the obligations embodied in this agreement." (Consortium Agreement).

3. The Mayor in his termination letter indicates that it is necessary to re-organize the CETA staff, which he may or may not have the power to do, but he gives no reason for the termination of Mr. Tibbs. The actions of Mayor Armstrong in terminating Arthur L. Tibbs are without just and proper cause, and are therefore in breach of an implied employment contract between the Fort Wayne Area Consortium and Arthur L. Tibbs.

(a) An examination of Mr. Tibbs background and experience in the area of manpower and employment reveals an individual highly qualified based on years of experience.

(b) An examination of Mr. Tibbs' latest evaluation by Robert Speaks, Executive Director of the Fort Wayne Area Consortium on February 7, 1977, reveals a strong administrator who can move quickly to solve problems, and in the areas of leadership, initiative, planning, versatility, quantity of work and quality of work, Mr. Tibbs exceeded the job requirements. There was no area of evaluation wherein Mr. Tibbs was graded as needing improvement.

(c) If the media reports are accurate in that the Mayor of Fort Wayne believes Mr. Tibbs is responsible for alleged malfeasance in the administration of the 1975 Summer Youth Component of the Fort Wayne Area Consortium CETA Program, the Mayor's "Blue Ribbon Panel" which investigated the CETA funds administration under Mayor Lebamoff fails to substantiate this belief. In addition, the Federal Audit of the CETA Program to date has failed to issue a final report on the program, or that Mr. Tibbs acted improperly in the administration or operation of the program.

## SUMMARY

In summary, the Mayor of Fort Wayne under the Consortium Agreement does not have the power to summarily dismiss Mr. Tibbs as Associate Director of Operations. Furthermore, contrary to Mr. Armstrong's assertion in his April 1, 1977 letter to Vance Amstutz, Mayor Armstrong is not the Director of the CETA Consortium with any implied power to terminate Mr. Tibbs' employment. In addition, the Mayor has not set forth one objective reason, based on fact, for the termination of Mr. Tibbs. He has breached the implied contract of employment between Mr. Tibbs and the Consortium by terminating Mr. Tibbs without notice nor an opportunity to be heard, which may constitute a violation of Mr. Tibbs' right to due process of law.

It is on the basis of the above reasoning that Mr. Tibbs files this complaint and grievance and asks to be re-instated to his position of Associate Director of Operations for the Fort Wayne Area Consortium, with a restoration of back pay until such time as the Fort Wayne Area Consortium can collectively, objectively, and legally determine whether the Mayor of Fort Wayne, under the Consortium Agreement can terminate Mr. Tibbs employment with the Consortium, and whether there exists any grounds whatsoever for his termination upon which the Consortium as a whole can act. If this is not done immediately then Mr. Tibbs has no alternative but to pursue his administrative and legal remedies available to him through the Department of Labor, and the Equal Employment Opportunities Commission, or by institution of a private legal action against the City of Fort Wayne and the Fort Wayne Area Consortium.

Arthur L. Tibbs  
Arthur L. Tibbs

Prepared by Ver Wiebe, Snow, Miller & Gray, Attorneys at Law.

MADE A MATTER OF RECORD

DATE CHARLES W. WESTERMAN, CITY CLERK

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 12th day of April, 1977; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 12th day of April, 1977.

  
Charles W. Westerman  
City Clerk